

FILED  
*For Roanoke*  
OCT 30 2009

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JOHN F. CORCORAN, CLERK  
BY: *[Signature]*  
DEPUTY CLERK

ARGENTINE R. HAIRSTON,  
Petitioner,

v.

WARDEN RC MATHENE,  
Respondent.

) Civil Action No. 7:09-cv-00152  
)  
)  
)

) **ORDER**  
)

) By: Hon. Jackson L. Kiser  
) Senior United States District Judge

In accordance with the written memorandum opinion entered this day, it is hereby

**ORDERED**

that respondent's motion to dismiss is **GRANTED**; the petition is **DISMISSED**; and the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send a copy of this order and the accompanying memorandum opinion to the petitioner and counsel of record for the respondent.

ENTER: This 30<sup>th</sup> day of October, 2009.

*[Signature]*  
Senior United States District Judge